



Director's Rule 14-2002

Applicant: City of Seattle Department of Design, Construction and Land Use	Page 1 of 10	Supersedes: DCLU DR 2-94 SED DR 94-3
	Publication: 2/27/2003	Effective: 4/2/03
Subject: Transportation Management Programs	Code and Section Reference: SMC Chapters 23.54, 23.69, 23.71, 23.90, 25.02, and 25.05.	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Land Use Codes/Environmental	Approved (signature on file) Diane M. Sugimura, Director	Date 3/31/03

I. Purpose

This Rule establishes the responsibilities of property owners, applicants and proponents of projects (hereafter referred to as the "applicant) subject to the Land Use Code, including the Northgate Overlay District, Major Institution Overlay Districts, and/or SEPA requirements to develop Transportation Management Plans (TMP). This rule also establishes the content, procedures, and reporting requirements of Transportation Management Programs (TMPs).

The Rule also attempts to ensure consistency across similar requirements. The requirements of Transportation Management Plans are similar to the requirements of trip reduction laws, regulations and guidelines. This rule is intended to prevail without duplicating survey and other data collection instruments, reporting forms and requirements, or the timing of reports and period of goal measurements associated with regulations having similar goals. Entities affected by the requirements of the Commute Trip Reduction (CTR) Ordinance are not exempt from implementing TMP(s), and entities who must comply with the provisions set forth

by this Rule are not exempt from complying with Seattle's CTR Ordinance. The City shall make every effort to coordinate requirements and prevent duplication of effort.

The Director of the Department of Design, Construction and Land Use (DCLU) may impose a Memorandum of Agreement that includes TMP requirements in cases where a TMP alone is insufficient in the City's judgment to mitigate the impacts of complex projects such as the development or expansion of major institutions.

II. General Requirements for the Applicant

- A. The applicant shall obtain from both DCLU and Seattle Department of Transportation (SDOT) (1) review and approval of the TMP, (2) inspection of any physical improvements required in the TMP, (3) written acknowledgment of the applicant's compliance, and (4) an agreement for the City to conduct inspections for TMP compliance and evaluations of progress toward the goals over the life of the development. The applicant must complete these tasks before the City may issue a permit allowing the project proponent to occupy the development or lease space to tenants.
- B. The applicant shall conduct TMP-required surveys and produce annual reports at the applicant's expense and in a manner and form prescribed by the City.
- C. The applicant shall provide his or her agents and representatives with a copy of the TMP and require that they enforce its conditions.

III. Background and Authority

Seattle's State Environmental Policy Act (SEPA) Ordinance, SMC Chapter 25.05, authorizes DCLU to grant, condition or deny permit applications for construction and use for public or private proposals that are subject to environmental review. When in the course of environmental review the City identifies adverse traffic or parking impacts associated with either a single development or cumulatively, the City may subject the applicant to reasonable mitigation measures by requiring the applicant to develop and maintain a transportation management program (TMP). (SMC Section 25.05.675 B (Construction Impacts), M (Parking), R (Traffic and Transportation), and Section 25.05.670, Cumulative Effects Policy.)

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IV. TMP Composition

TMPs shall consist of a goal and a list of requirements for the applicant to implement. When conditioning a project to provide a TMP, the Director's decision shall specify the TMP goal(s) and requirements. Both DCLU and SDOT shall review and approve the TMP conditions.

- A. **TMP Goal.** TMP conditions shall include a mandatory goal based on performance standards established by the City, and annual or more frequent program reports.
- B. **Required Elements.** The applicant's TMP shall consist of all of the following elements, unless specifically waived by the Director in the approved TMP document. New TMP elements, or modifications to TMP elements listed below, can be incorporated into any binding TMP if they are described in sufficient detail to define the responsibility of the applicant and clarify the intent of the element.

1. Building or Institution Transportation Coordinator;
2. Biannual promotions of TMP and related programs;
3. Commuter Information Center(s) in a design and location approved by the City;
4. Tenant participation in building or institution's TMP;
5. Participation in Ridematch programs;
6. Site and access improvements required by the Land Use Code, Traffic Code, Commute Trip Reduction Law, and similar ordinances intended to mitigate traffic and environmental impacts. (See IV C.)
7. Adequate height clearance and turning radii for vanpool parking;
8. Secure preferential parking for carpools and vanpools;
9. Secure bicycle parking;
10. Shower and locker room facilities;
11. Marked and paved pedestrian and bicycle links to nearby public and private bicycle lanes and trails;
12. Development of and participation in a transportation management association (TMA) or other trip-reduction networking group.
13. Parking fees and operations structured and managed to promote and assure priority access to customers and visitors over employees and to high occupancy vehicles over single occupant vehicles.
14. Alternative commute mode (non-SOV) incentives and subsidies;
15. Unbundling of parking charges from tenant leases;
16. Alternative work schedules and flexible arrival/departure times to meet HOV schedules;
17. Subscription bus service;
18. Shuttle services;
19. Telecommuting programs;
20. Reduction of SOV parking supplies; increase HOV supply;
21. Fleetpools;
22. Car-sharing programs;
23. Guaranteed Ride Home programs;
24. Multifamily building requirements: The TMP program description shall be written into the lease or sales agreement(s) and shall include the following: (1) complete or partial subsidies of tenant participation in HOV use, and (2) dissemination to tenants of information and notice of promotional events sponsored by public transportation agencies.
25. Additional site and access improvements;
26. Off-site mitigation;
27. Residential parking zones;
28. Annual or more frequent program reports;
29. Biennial (once every two years) trip reduction surveys and reports of survey results.

C. Additional Authority. While general site improvement requirements are established in the Land Use Code, the City may impose additional requirements as part of the condition(s) of the development, applicable ordinances, or the adopted TMP. The Director may waive or modify certain of these requirements in order to address specific

aspects of individual facilities, required mitigation, site location, and project size. If a waiver or modification is granted, the Director's decision or recommendation and the attendant permit conditions shall enumerate which of the elements are required.

V. Evaluation Criteria

The City shall evaluate compliance with TMP conditions based on the property owner's timely submittal of reports, surveys conducted, site inspections, and the achievement of the TMP goals established for the site. If the City does not establish TMP goals for the site, the City shall evaluate the applicant's compliance with respect to the property owner's timely submittal of reports and implementation of the elements set forth in the Director's decision or recommendation.

SDOT shall be responsible for monitoring and evaluating the property owner's compliance with the terms and conditions of the TMP.

VI. Other Types of TMPs

A. Major Institutions

Major Institutions (as defined in SMC 23.84.025) are required to provide TMP components in their Master Plans. They shall be subject to all the requirements of this Rule except that program elements (as set forth in sections IV.B and IV.C) shall be consistent with Seattle Municipal Code 23.54.016 C. TMPs resulting from a Major Institution Master Plan shall be established in the City Council's approval of the master plan.

B. Cumulative TMPs

Pursuant to the SEPA Cumulative Effects policy (SMC 25.05.670), individual projects may be required to participate with other known or future developments in cumulative TMPs. Such programs may be required to develop joint marketing, promotion, communication, program development and monitoring efforts. Conditions for cumulative TMPs should establish the roles and responsibilities of TMP participants.

VII. TMP Acknowledgment

Before DCLU issues a Master Use Permit for any project requiring a TMP, the property owner(s) shall:

- (1) Record his or her acknowledgment of the permit conditions in the manner prescribed by the City (Attachment A).
- (2) Record a copy of the TMP approved by the City with the King County Records and Elections Division.
- (3) File copies of the recorded documents and the recording number with DCLU and SDOT.

Whenever the City requires changes to a TMP the applicant must (1) submit a letter acknowledging the changes, (2) record copies of the new documents with the King County Records and Elections Division, and (3) file copies of the letter and revised TMP or Memorandum of Agreement with SDOT and DCLU.

VIII. Compliance and Monitoring

SDOT shall monitor the project site for compliance with the requirements set forth by this Rule. If the owner has not implemented the TMP measures or has not made sufficient progress toward achieving the TMP goals, the Director may impose modifications to the TMP program and/or pursue enforcement action pursuant to the SMC Chapter 23.90.

For projects required to meet a SOV goal, the property owner shall be required to be within 90 percent compliance of the goal within two years from initial occupancy. Within four years of initial occupancy the building shall be required to meet the goal. There shall be no 10 percent grace allowed after four years. The building shall continue to meet the TMP goals for the life of the project unless a subsequent permit revises the TMP goals.

Failure to achieve 90 percent of the goal at the end of two years, failure to meet the goal at four years, failure to continue to meet the goal for the life of the project, or failure to implement the required program components shall be grounds for an enforcement action, which may include civil penalties. (See Section IX of this Rule.) The Director may modify, in the project conditions, these evaluation criteria to account for unique project circumstances.

IX. Civil Penalties

Failure to comply with the conditions of a TMP and/or to achieve the goals it establishes shall be a violation of this rule and the Seattle Municipal Code. Violations shall subject the property owner to enforcement action, including civil penalties accruing at a rate of up to \$75 per day per violation (SMC Chapter 25.02) or \$250 per day per violation within the Northgate Overlay (SMC 23.71.018). The Director may establish in the permit conditions additional enforcement mechanisms for a specific TMP in order to achieve long-term mitigation of impacts. See Seattle Land Use Code (SMC Section 23.54.016 C, Chapter 23.90 and Chapter 23.71), the Commute Trip Reduction Ordinance (SMC Chapter 25.02), and Master Use Permit and Council Approval processes (SMC Chapter 23.76).

X. TMP Revisions

The property owner may propose changes to the TMP components at any time following initial implementation in order to achieve the goals of the TMP. DCLU and SDOT must approve in writing any changes to the TMP. The applicant must file copies of the revised TMP with the King County Records and Elections Division, SDOT, and DCLU before implementing it.

The Director is not required to provide public notice of program changes; however, changes to the TMP goal may require public notice consistent with the Director's practice for revising Master Use Permits and subject to City Council approval. DCLU and SDOT may make changes to a TMP at any time, provided, however, changes to TMP components of a Major Institution Master Plan must be made according to the terms and conditions of the master plan.

XI. The Northgate Overlay District

The Northgate Area Comprehensive Plan regulates land use and development within the Northgate Overlay District, and requires TMPs of any "substantial development" (i.e., any development expected to generate twenty-five (25) or more employee or student vehicle trips in

any single p.m. hour (See SMC Chapter 23.71)). Northgate Overlay District TMPs are subject to the following requirements.

A. Evaluation Criteria

In addition to SEPA requirements, the Northgate Overlay District requires any substantial development to develop a TMP and authorizes DCLU to grant, condition or deny construction and use application(s) for substantial development if DCLU, in concert with SDOT, determines that the TMP is not sufficient to result in progress toward achieving the TMP goals for the Northgate area. In such cases, the City may add conditions annually.

B. Northgate Transportation Management Association

The Northgate Area Comprehensive Plan directs that a Northgate Transportation Management Association (TMA) be established to assist developers, property owners, and employers in achieving the Northgate Plan trip reduction goals. TMAs provide customized services, coordination and activities to help members achieve established performance standards.

Membership in the TMA will also be composed of building owners and employers in the Northgate area affected by CTR. A TMA will be established within six months after the fourth project receives a Certificate of Occupancy from DCLU, as provided for in Section 109 of the Seattle Building Code. Membership in the TMA will be open to any employer or business in the subject area in addition to those required to join as part of their permit conditions. Members of the TMA will establish a board of directors from the membership to include a representative from SDOT within two months after inception of the organization. Any member of the TMA will be eligible to be elected to the board of directors.

The TMA will prepare a work plan describing how the members will collaboratively work to meet their trip reduction goals and will submit an annual progress report and plan update for approval by SDOT. The TMA will underwrite and hire the necessary staff to implement the approved work plan and house the function at a location that is easily accessible to all members. The TMA will report its progress annually in fulfilling its work plan to SDOT.

C. Compliance

To be in compliance, the property owner of a site subject to the TMP requirement must demonstrate that he or she has an approved TMP, has submitted the required annual reports, and has succeeded in accomplishing at least one of the two following objectives:

1. Complete implementation of all measures contained in the TMP; and/or
2. Achievement of the specified goal for SOV trips.

XII. Definitions

Alternative Commute Mode -- Any means of commute transportation other than the single-occupant motor vehicle (SOV). Examples of alternative modes include telecommuting, bicycling, use of train, transit, vanpool, and carpools.

Alternative Work Schedules -- Work schedules that reduce peak-hour work trips or reduce the total number of work trips generated. Examples include flextime, compressed workweeks, and staggered work hours.

Annual Program Report -- The applicant's annual report to the City that describes the activities undertaken in the prior year to implement the TMP and the applicant's progress toward meeting his or her TMP goals.

Building Employee -- Any person, including employees of the proponent or building tenants, whose normal place of work is the project building.

Building or Institution Transportation Coordinator (BTC) -- The person responsible for implementation and administration of the TMP within a building or throughout an entire institution. The BTC may delegate responsibility to staff, and will be available during normal business hours on site to assist employees/students/residents and promote the TMP.

Carpool -- A motor vehicle certified by the City or building garage management according to the conditions of that building's Transportation Management Plan as containing at least two eligible drivers, one of whom is employed in the project building, and who commute to and from work together at least four days a week.

Carpool Parking Discounts -- A discounted parking fee available to certified carpools and vanpools. (Usually a percentage of the lowest monthly fee charged by the parking operator for a parking space.)

Car-sharing Program -- A car-share program that allows occasional use of a car by those who do not have one available to them—e.g. to people who take the bus to work but need a car to run an errand in the middle of the day.

Commuter Information Center (CIC) -- A permanent, highly visible, on-site display of available commute modes. The CIC holds information about ridesharing (carpools, vanpools, transit travel, alternative work hours and other information related to alternative commute modes).

DNS -- A Determination of Non-Significance. A determination, based on information provided in a SEPA checklist, that a project will not require preparation of an environmental assessment or an environmental impact statement (see SMC Sections 25.05.310 and 25.05.340).

EIS -- Environmental Impact Statement, including Draft, Final and Supplemental EIS (see SMC Section 25.05.405).

Employee Commute Trip -- The commute to and from the project building made by an individual, usually on a daily basis.

Employee Transportation Coordinator (ETC) -- This position is responsible for implementation and administration of the TMP for each of the institution or building tenant(s). The ETC will work with the BTC. The ETC may delegate responsibility to staff and will be available during normal business hours on site to assist employees, students, and/or residents and to promote the TMP.

Fleetpool Program -- A trip reduction incentive program that allows building employees to use a building or employer's automobile fleet for employee-operated carpools or personal use during

the work day so that employees need not commute in their personal vehicle in order to conduct personal business.

Guaranteed Ride Home -- A program element that provides a reimbursement for emergency travel for alternative mode commuters who need transportation to manage an unplanned personal emergency during normal work hours.

HOV -- High occupancy vehicle. Any modes of travel carrying two or more people, including but not limited to carpools, vanpools, transit, and custom bus service.

Long-term Parking -- A parking space that will be occupied by the same motor vehicle for six (6) hours or more and is used generally by persons who commute to work by private motor vehicle.

Major Institution -- An institution, which, by nature of its function and size, dominates and has the potential to change the character of the surrounding area and/or create significant negative impacts on the area. Major Institutions are subject to SMC Chapter 23.69, and are more fully defined at SMC 23.84.025.

MDNS -- A Mitigated Determination of Non-Significance; a determination, based on information provided in a SEPA checklist, that a project will not require an environmental impact statement so long as mitigation measures to reduce the likelihood of significant adverse impacts are taken (see Section 25.05.350 SMC).

MUP -- Master Use Permit. The document issued to a project applicant, recording all land use decisions made by the DCLU on a master use application. The term excludes construction permits and land use approvals granted by the City Council, by citizen boards or by the state.

Other Trips -- Modes of travel that do not fit traditional HOV descriptions but are substitutes for the motorized SOV mode. These include but are not limited to walking, bicycling, ferry walk-on commuting, and in-line skating.

Preferential Parking -- The most desirable parking spaces or areas at the building. Preferred parking spaces are generally those secured, covered areas usually located closest to elevators and entrances or are otherwise more accessible to the building and amenities.

Project Building -- The development, institution, building(s), and/or project subject to a TMP.

Promotional Event -- Specific site events designed to educate and inform employees or residents of available commute options and HOV incentives. Promotional events could include commute fairs, inclusion of rideshare information in new employee or resident orientation, or distribution of promotional brochures and information.

Residential Parking Zone (RPZ) -- A street designation and permit system that limits on-street parking by nonresidents.

Ridematch -- A service that matches riders and drivers for carpools and vanpools. Individuals apply to be matched with others having similar commute trip origins, destinations, and schedules. (King County Metro is one agency that provides this service.)

SEPA -- The State Environmental Policy Act adopted by City of Seattle ordinance as Seattle Municipal Code Chapter 25.05.

Short-term Parking -- A parking space occupied by individual motor vehicles for less than six (6) hours and generally used intermittently by shoppers, visitors or outpatients.

Site Improvements -- Physical facilities and amenities provided on site and intended to encourage and facilitate use of alternatives to SOV travel. Examples include carpool parking, bicycle parking, covered bus stops, and shower and locker room facilities.

SMC -- The Seattle Municipal Code.

SOV -- Single Occupant Vehicle means a motor vehicle occupied by one (1) employee for commute purposes, excluding motorcycles.

Telecommuting Programs -- Programs, policies and physical improvements that allow and enable employees to work at home or at other remote sites in lieu of commuting to work.

Tenants -- Those who lease or rent space in a project building.

Transportation Allowance, Subsidy or Discount -- Any portion of a building employee's transportation costs paid by the building owner or employer as an incentive to commute by bus, carpool, vanpool, bicycle or other alternative mode and reduce SOV commutes and long term parking.

Transportation Management Association or Organization (TMA/TMO) -- A group of employers or a group representing employers who are working together to administer and promote trip reduction programs and the management of transportation issues they share (sometimes called an "Employer Networking Group"). The Northgate Overlay District TMP provisions of this Rule (at section XI.C) describe one example of a Transportation Management Association. The TMA or TMO will prepare work plans describing how the members will collaborate to meet their trip reduction goals and will submit an annual progress report for review by SDOT.

Transportation Management Program (TMP) -- A required set of measures to reduce a project building's demand on transportation infrastructure. These measures typically seek to discourage commuting via single-occupant vehicle and encourage alternative commute modes. TMPs must be approved by DCLU, SDOT, and the owner of the project building as a condition of the project building's Master Use Permit.

Unbundling Parking -- "Unbundling" means separating the cost of leasing parking spaces from the cost of leasing of building space.

Vanpool -- A high occupancy vehicle that accommodates seven to fifteen people who are registered and permitted by a state, county, regional transit agency, local jurisdiction or their agent(s) to operate and/or ride in the vehicle.

Vanpool Parking Spaces -- Parking spaces with sufficient height clearance, that are accessible from a driveway with a width and turn radius to accommodate vehicles with seating capacity of up to 15 people, and that are designated by the building operator as reserved for vanpools.

ATTACHMENT A

[Date]

Diane Sugimura, Director
Department of Design, Construction and Land Use
700 Fifth Avenue, Suite 2000
Seattle, Washington 98104-5070

Re: TMP Acknowledgment Letter for Master Use Permit Number _____

I _____ (NAME), as owner of _____
(LEGAL DESCRIPTION) _____ identified as _____
(ADDRESS) _____ understand that I am required to comply with the following condition(s)
related to the Transportation Management Plan (TMP) imposed on Master Use Permit (MUP)
number _____.

_____(MUP CONDITIONS)_____

I understand that additional MUP condition(s) unrelated to the TMP may apply to the proposal
as specified by the Director's decision.

I further understand that failure to achieve the goals specified in the TMP and/or to comply with
the requirements of the TMP, as set forth by Director' Rule 14-2002, and specified by the
condition(s) listed above shall be a violation of the permit condition(s) and will result in
enforcement pursuant to the Seattle Land Use Code (SMC 23.90) and Master Use Permit
Process (SMC 23.76). I understand that the condition(s) by which the City has approved the
project are effective for the life of the project and apply to me and/or my company, and/or to
future property owners.

Sincerely,